

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 25980 of 2005

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Dated: 06.12.2005

Between:

M.Venkata Reddy, S/o.Narsimha Reddy,
R/o.Ram Nagar, Karimnagar District.

..... PETITIONER

AND

The Industrial Tribunal-Cum-Labour Court, Godavarikhani,
Karimnagar District, represented by its Presiding Officer
and another.

.....RESPONDENTS

ORDER:

The petitioner challenges the award, dated 17.05.2005, passed by the Industrial Tribunal-cum-Labour Court, Godavarikhani, in I.D.No. 80 of 2004.

The learned counsel for the petitioner submits that the Labour Court did not exercise its discretion under Section 11-A of the Industrial Disputes Act, 1947, properly, and that the punishment inflicted against the petitioner is highly disproportionate.

Learned Standing Counsel for the respondents, on the other hand, submits that

though the proceedings were initiated and show cause notice was issued for removal of the petitioner from service, a lenient view was taken and the punishment was restricted to the one of withholding of increments for a period of three years with cumulative effect.

The petitioner is employed as a Maistry in the respondent-corporation. On the allegation that he has misappropriated a sum of Rs.500/-, representing the undisbursed amount of General Insurance Scheme, disciplinary proceedings were initiated against him. It was alleged that he forged the signature of one Mr. Venkatachari, for misappropriating that amount. The petitioner submitted his explanation and an enquiry officer was appointed. The enquiry officer submitted a report holding that the petitioner is guilty of the charge levelled against him. In fact, the management issued a show-cause notice to the petitioner proposing to impose the punishment of removal from service. However, taking into account the explanation submitted by the petitioner, the punishment of withholding of three increments for a period of three years with cumulative effect was imposed.

The Labour Court examined the matter from the point of view of legality of the domestic enquiry as well as the proportionality of punishment. It did not find any defect in the domestic enquiry. It took note of the fact that the petitioner himself admitted during the course of enquiry that he misappropriated the amount referred to above. It was not as if that there was any discrepancy on account of inadvertent mistakes. The petitioner has gone to the extent of forging the signature of a fellow employee with an object of misappropriating a sum of Rs.500/-. Though the respondent proposed to impose the punishment of removal from service, it took a lenient view, having regard to the past service of the petitioner, and imposed the punishment referred to above. The Labour Court discussed the matter from the proper perspective. This Court does not find any basis to interfere with the same.

Therefore, the writ petition is dismissed. There shall be no order as to costs.

06.12.2005